

Court of Appeals, State of Michigan

ORDER

Stella A Moxon v Jack R Moxon

Docket No. 264841

LC No. 03-006130-DM

Henry William Saad
Presiding Judge

E. Thomas Fitzgerald

Jessica R. Cooper
Judges

The Court orders that the delayed application for leave to appeal is DENIED.

The motion to waive fees is GRANTED for this appeal only.

Judge Cooper would grant the delayed application for leave to appeal. The trial court is without authority to modify a provision of the consent judgment that does not affect custody. MCR 2.612. Nor have any of the requirements of MCR 2.612(C) been met in this case. There is nothing on this record to show that the plaintiff's home has been sold or that the plaintiff no longer resides in Grosse Pointe Farms. Accordingly, the consent judgment should remain in full force and effect.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 25 2006

Date

Sandra Schultz Mengel
Chief Clerk